MONTANA LEGISLATIVE HISTORY

Chapter 73 1979

Bill H 493 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Highways & Transportation		
Hearing Date(s)	Feb 05	✓C	Hearing Date(s)	Feb 22	✓C
	Feb 06	✓C			C
		C			C
		C			C
Date Out	Feb 06	✓C		Feb 22	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

INTRODUCED BY House Bill No. 493

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 61-4-101, MCA, TO PROVIDE A GRACE PERIOD FOR MOTOR VEHICLE DEALER LICENSE RENEWAL."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-4-101, MCA, is amended to read:

"61-4-101. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than 500 pounds), semitrailers, or special mobile equipment as defined in 61-1-104 and qualifies under [subparagraph (f)] of this section shall cause to be filed, by mail or otherwise, in the office of the division, a verified application for licensing as a dealer on a blank to be furnished by the division for that purpose, and containing the information therein required. The application and all of the information therein contained shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January 1 of each year. If an application for renewal of a license has been received by the division prior to the expiration of the license, the dealer may operate his business and display dealer plates under the expired license between January 1 and February 15 following expiration.

(2) To qualify for licensing and the issuance and use of "D", "UD", "DTR", or "HCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

(a) To qualify as a new motor vehicle dealer and for the use of "D" plates, the applicant must:

(i) state the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock of motor vehicles is displayed;

(ii) state the name and address of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary thereof are sufficient;

(iii) state the name and make of all motor vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a

written new motor vehicle franchise or sales agreement;

(iv) execute a certificate to the effect that the applicant has a permanent building for the display and sale of new motor vehicles at the location of the premises where sales are conducted;

(v) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of motor vehicles; and

(vi) execute a certificate to the effect that the applicant is a bona fide dealer in new motor vehicles and that he is recognized by a manufacturer, importer, or distributor as a dealer in new motor vehicles.

(b) To qualify as a used motor vehicle dealer and for the use of "UD" plates, or as a trailer, semitrailer, or special mobile equipment dealer and for the use of "DTR" plates, or as a motorcycle dealer and for the use of "MCD" plates, the applicant must, in addition to the matters set forth in subsections (i) and (ii) of subsection (2)(a) above, provide:

(i) a statement that the applicant has a building or lot and a sign readable at a minimum distance of 150 feet and indicating the firm name and headquarters as the principal place of business; and

(ii) a certificate to the effect that the applicant is a bona fide dealer in used motor vehicles, trailers,

semitrailers, special mobile equipment, or motorcycles.

(c) To qualify for a used motor vehicle dealer license a person must submit an annual application for that license and comply with the provisions of 61-4-102(5) in addition to fulfilling the requirements of subsection (2)(b) above.

(d) The provisions of subsection (2)(c) above do not apply to an applicant who is licensed as a motor vehicle wrecking facility under the provisions of Title 75, chapter 10, part 5.

(3) The applicant for a dealer's license shall also file with his application a good and sufficient bond in the sum of $5,000, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the requirements of the law. All bonds shall run to the state of Montana and shall be approved by the division and filed in its office and shall be renewed annually."

-End-

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
February 5, 1979

The regular meeting of the Judiciary Committee was called to order in Room 104 of the Capitol Building at 8:00 a.m. with all members present except Representative Eudaily, excused. Scheduled for hearing were House Bills 452, 464, 475, 493, 500, 505 and Senate Bill No. 165.

HOUSE BILL NO. 464: Representative Conroy said that since the department people did not show up for the hearing he would move to kill the bill.

HOUSE BILL NO. 493: Representative Cooney stated that this bill was introduced at the request of the Department of Justice. He went through the bill and explained it briefly. It allows a grace period for motor vehicle dealer license renewal.

Mr. Cooney said his witness had not come.

JERRY RONIG: Montana Automobile Dealers Association. We support the bill.

Representative Keedy asked why there was a need for the six month grace. Does it take that long. Some discussion about this. The hearing closed on House Bill No. 493.

HOUSE BILL NO. 500: Representative Lory said that this is a companion bill to House Bill No. 432 which we heard the other day. A person who sells or furnishes to any person any of the substances such as phenyl-2-propanone or methylamine or such substances must submit a report to the department of justice detailing such transactions. The Department of Justice may adopt, amend or repeal rules in accordance with the Montana Administrative Act. The intent of the bill is to keep some measure of control for these substances. He gave a copy of the statement of intent.

TOM HONZEL: County Attorneys Association. This bill will help in controlling those precursors and see that they are not getting into the illegal drug traffic.

Representative Kemmis asked that subsection 1 be explained, and Mr. Lory said that that allows time to add temporary substances.

There was no further discussion and no other questions and the hearing closed on House Bill 500.

HOUSE BILL NO. 475: Representative Kemmis. This bill raises the interest that runs on judgments. The present rate is 6% so that if someone acquires a

HOUSE BILL NO. 493: Representative Lory moved "do pass". Representative Day talked against the special exemption this would give. There was general discussion about this.

Representative Keyser moved to amend page 2, line 7, following: "February" to strike "15" and insert "1". The motion carried with the vote 9 to 7.

Representative Keyser moved "do pass as amended". The motion carried with Representatives Conroy and Seifert voting "no".

HOUSE BILL NO. 475: Representative Holmes moved "do pass". There was discussion about the rate of interest. The question was called and the motion carried with Representative Conroy voting "no".

HOUSE BILL NO. 464: Representative Keyser moved "do pass". Representative Lory moved a substitute motion "do not pass".

Representative Kemmis moved to amend the new subsection. He withdrew the motion. Representative Lory withdrew his motion and moved to send it to a subcommittee. Representative Kemmis moved to amend on lines 19, 23, and on page 2, line 1 and line 4. (copy attached) The motion carried with the vote unanimous. Representative Kemmis suggested a new subsection. Representative Roth moved the amendment and the motion carried with the vote unanimous. (copy attached)

Representative Lory moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 456: Representative Lory moved "do pass". Representative Scully explained the reasoning behind the introduction of the bill and the issue of the period of time the commissioner can serve.

Representative Daily moved to postpone consideration until another bill of similar content comes to the committee. The motion carried with Representative Rosenthal voting "no".

HOUSE BILLS NO. 368 and 390: Report from the sub-committee. Representative Kemmis said the members had decided the best way to handle them was to continue to keep them

The rest of the point changes are our recommendations.

Senator Graham asked Major Tooley about Page 2, Line 14 and 17. If a person was in a accident, and both parties involved decided there was no damage, but later on, the person who was in the other vehicle files a complaint, what would happen.

Major Tooley said the Highway Department, Highway Patrol has a concern in this area. As the bill is written now, its stout. If the person was convicted, he would get up to 15 points.

Senator Graham asked if what the Highway Patrol originally had, at 8 points, was more reasonable.

Major Tooley, said yes, as 8 points would not kill a person off.

Chairman Etchart asked Major Tooley if the points were wiped out after the three year period.

Major Tooley, said yes, presently, at the end of five years, the points begin to drop off as they occur.

There being no further questions the hearing was closed on House Bill 100.

CONSIDERATION OF HOUSE BILL 493: Representative Cooney, District 83, told the committee this is a grace period bill. This is an act to amend section 61-4-101 to provide a grace period for motor vehicle dealer license renewal. On Page 2, Line 7, the House amended and then amended it back to what it originally was. They heard this bill first, and then they amended this down to 30 days. One of the ideas of these bills is to make them all the same. They decided to bring this back up to 45 days. The purpose is to grant grace period for dealers plates the same as others. I think this is another clean-up bill.

Larry Majerus, Motor Vehicle Division, Department of Highways, told the committee this bill will make it easier for dealers and will also take the heat off the enforcement officers. It will clean it up.

Jerry Raunig, Montana Auto Dealers Association told the committee the organization he represents supports this bill.

There being no questions from the committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 495: Representative Cooney, District 83, told the committee this is an interesting bill. This bill will allow the Division to recycle used license plates. Apparently, a non-profit organization is interested in doing this recycling. I did some research on this. This will allow a non-profit organization to collect used and outdated license

There being no further questions the hearing was closed.

ACTION ON HOUSE BILL 518: Senator Hazelbaker made the motion that HB 518 be concurred in. The committee voted unanimously that HB 518 be concurred in. The motion carried. Senator Hazelbaker will carry this bill on the Senate Floor.

ACTION ON HOUSE BILL 100: Senator Graham asked the committee to hold this bill, as he would like to gather more information on it. He said he would have some recommendations for the committee on the next meeting.

ACTION ON HOUSE BILL 493: Senator Graham made the motion that HB 493 be concurred in. The committee voted unanimously that HB 493 be concurred in. The motion carried. Senator Graham will carry this bill on the Senate Floor.

ACTION ON HOUSE BILL 495: Senator Hager made the motion that House Bill 495 be concurred in. The committee voted unanimously that HB 495 be concurred in. The motion carried. Senator Etchart will carry this bill on the floor of the Senate.

There being no further business the meeting adjourned at 1:35 p.m. The next meeting of the Highways and Transportation Committee will be Thursday, March 1, 1979, in Room 410, of the State Capitol Building at 1:00 p.m.

Mark Etchart

SENATOR MARK ETCHART

cdf

2-27

ROLL CALL

Highway COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad			
Carroll A. Graham	✓		
Dave Manning			
John E. Healy (Jack)			

Each Day Attach to Minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check On Support	Op
D. B. Tasler	MHP	100	✓	
Larry Majerus	Motor Vehicle Division	100 495	518 495 ✓	
Mike Downing	Dist 83 - Silverbow	493 518 495	✓	
Jerry Loring	Montana Auto Dealers Assn.	HB 493	✓	

NAME: Jerry Kalnig DATE: 2-27-79

ADDRESS: Helena Mont.

PHONE: 442-1233

REPRESENTING WHOM? Montana Auto Dealers Assn.

APPEARING ON WHICH PROPOSAL: HB 493

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Larry Majerus DATE: _____

ADDRESS: _____

PHONE: 3800

REPRESENTING WHOM? Motor Vehicle Division

APPEARING ON WHICH PROPOSAL: HB 100, 518, HB 493, HB 495

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE Highways & Transportation

Date 2-27-79 House Bill No. 493 Time

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad		
Carroll A. Graham	✓	
Dave Manning		
John E. Healy		

Carol Fasani
Secretary

Mark Etchart
Chairman

Motion: Be Concurred In

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 27 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 493

Respectfully report as follows: That House Bill No. 493

DO PASS

SENATOR MARK ECHART, Chairman.

HOUSE BILL NO. 493

INTRODUCED BY COONEY

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 61-4-101, MCA, TO PROVIDE A GRACE PERIOD FOR MOTOR VEHICLE DEALER LICENSE RENEWAL."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-4-101, MCA, is amended to read:

"61-4-101. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging, or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than 500 pounds), semitrailers, or special mobile equipment as defined in 61-1-104 and qualifies under [subparagraph (f)] of this section shall cause to be filed, by mail or otherwise, in the office of the division, a verified application for licensing as a dealer on a blank to be furnished by the division for that purpose, and containing the information therein required. The application and all of the information therein contained shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January 1 of each year. If an application for renewal of a license has been received by the division prior to the expiration of the license, the dealer may operate his business and display dealer plates under the expired license between January 1 and February ~~15~~ 15 following expiration.

(2) To qualify for licensing and the issuance and use of "D", "UD", "DTR", or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

(a) To qualify as a new motor vehicle dealer and for the use of "D" plates, the applicant must:

(i) state the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock of motor vehicles is displayed;

(ii) state the name and address of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary thereof are sufficient;

(iii) state the name and make of all motor vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a

REFERENCE BILL

written new motor vehicle franchise or sales agreement;

(iv) execute a certificate to the effect that the applicant has a permanent building for the display and sale of new motor vehicles at the location of the premises where sales are conducted;

(v) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of motor vehicles; and

(vi) execute a certificate to the effect that the applicant is a bona fide dealer in new motor vehicles and that he is recognized by a manufacturer, importer, or distributor as a dealer in new motor vehicles.

(b) To qualify as a used motor vehicle dealer and for the use of "UD" plates, or as a trailer, semitrailer, or special mobile equipment dealer and for the use of "DTR" plates, or as a motorcycle dealer and for the use of "MCD" plates, the applicant must, in addition to the matters set forth in subsections (i) and (ii) of subsection (2)(a) above, provide:

(i) a statement that the applicant has a building or lot and a sign readable at a minimum distance of 150 feet and indicating the firm name and headquarters as the principal place of business; and

(ii) a certificate to the effect that the applicant is a bona fide dealer in used motor vehicles, trailers,

semitrailers, special mobile equipment, or motorcycles.

(c) To qualify for a used motor vehicle dealer license a person must submit an annual application for that license and comply with the provisions of 61-4-102(5) in addition to fulfilling the requirements of subsection (2)(b) above.

(d) The provisions of subsection (2)(c) above do not apply to an applicant who is licensed as a motor vehicle wrecking facility under the provisions of Title 75, chapter 10, part 5.

(3) The applicant for a dealer's license shall also file with his application a good and sufficient bond in the sum of $5,000, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the requirements of the law. All bonds shall run to the state of Montana and shall be approved by the division and filed in its office and shall be renewed annually."

-End-